

Vickery, but the claim of the last party appears to have been paid. Notwithstanding, however, the claims of these parties have been proved, the plea of limitation, relied upon in the answer, must bar the remedy upon them, unless the fraudulent character of the transaction, saves them from the operation of the statute, and this is a question not free from difficulty. In *Beach vs. Cotlin*, 4 Day, 284, the Supreme Court of Connecticut said, that a grantee under a fraudulent conveyance, could acquire no title by possession, against the creditors of the grantor, for whom the grantee held the land in the nature of a trustee for them.

This general remark, however, was made in an action of ejectment, and it will be found, upon an examination of the case, that the title of the plaintiff, who was a judgment creditor, was not asserted until within less than four years before the commencement of the suit; and, that, therefore, the defendant's possession until his title accrued was not adverse to him, nor was it inconsistent with the right of the grantor, for he had none. The possession of the defendant in that case, was a mere naked possession, being adverse neither to the title of the grantor, nor to the plaintiff before he levied his execution upon the land, and the action was brought within the period allowed by the statute after such levy. In the case now before this court, the plaintiffs must in the first place show themselves to be the creditors of Elizabeth Osborne, and then that the deed they seek to put out of their way, is a fraud upon them as such creditors. The question, so far as it involves the existence of their claims, is of a legal nature, or at any rate, would be cognizable at law, and in such cases, courts of equity govern themselves by the same limitations as the statute prescribes to suits in the common law courts, acting not upon the ground of analogy but in obedience to the statute. 1 *Story's Equity*, section 529; 2 *ib.*, section 1520; *Dugan et al. vs. Gittings et al.*, 3 Gill, 161. Cases have been cited to show that length of time ought not to be permitted to repel relief when fraud is imputed and proved. Such was the language of the Supreme Court, in *Prevost vs. Gratz*, 6 Wheat., 481, but the same case proves that the party,